

## Adult Assessment and Eligibility Policy

### 1. Introduction

At the London Borough of Southwark we are committed to ensuring a fairer future for all our residents. As part of our commitment we aim to understand the diverse needs of all those that reside in our communities, act to ensure that everybody has access to appropriate advice and information, and ensure that those who need extra assistance receive appropriate support.

Under the Care Act 2014, all adults with eligible needs are entitled to receive support from Adult Social Care. In order to determine whether the adult is eligible to receive on-going support from Adult Social Care, we must carry out a -

- Needs Assessment for any adult with an appearance of care and support needs;
- Carers Assessment for any adult providing (or due to provide) carer support who may have support needs.

Southwark Adult Social Care has developed this policy to ensure that services are compliant with The Care Act 2014 in the undertaking of Needs and Carer assessments, and ensure that assessments:

- have the adult's wellbeing at their heart, are person-centred and are led by the adult as much as possible;
- are appropriate and proportionate;
- are used to determine who is eligible to receive on-going support;
- lay the foundations for eligible adults to maintain or improve their wellbeing through the achievement of their outcomes.

### 2. Scope

This policy applies to Southwark's Adult Social Care services. Operational services should read this policy alongside local procedures.

For a list of policies that the *Adult Assessment and Carer Policy* should be read alongside, please see the 'Related Policies' section of this policy.

### 3. Legislation & Key Documents

- The Care Act 2014
- The Care and Support (Assessment) Regulations 2014
- The Care and Support (Eligibility Criteria) Regulations 2014
- Care and Support Statutory Guidance Issued under the Care Act 2014 (DOH)
- The Mental Capacity Act 2005
- The Children and Families Act 2014
- The Equalities Act 2010
- The National Framework for NHS Continuing Healthcare and NHS Funded Nursing Care

## **4. Definitions**

Please see *Contacts and Keywords* for useful definitions.

## **5. Approach to Needs and Carer assessments**

Only suitably trained staff will conduct Needs or Carer Assessments. We may on occasion delegate the assessment function to a trusted third party to conduct.

All staff in contact with the adult during the assessment process will receive suitable training in order to make appropriate judgements about whether to steer the adult in the direction of information and advice services, preventative services, or immediate needs or carer assessments.

We are not required to carry out carer assessments for carers who provide care under contract (employment) or as part of voluntary work. If the carer provides care for the adult outside of these arrangements we will consider whether to conduct a carer assessment; in such instances the carer assessment will assess eligibility to receive support on the basis of the non contractual and voluntary work elements of the care provided.

### **5.1 Purpose of Needs/Carer assessments**

Assessments should be used to identify the adult's needs, understand how their needs impact upon their wellbeing, and identify the outcomes that they hope to achieve in order to maintain or improve their wellbeing. Needs and Carer Assessments must not be viewed solely as a gateway to receiving care and support. Needs and Carer Assessments are vital interventions in their own right, and should be used to –

- help the adult understand their situation better;
- highlight opportunities and methods to prevent, reduce or delay the onset of further needs;
- help the adult access suitable services and support networks.

The adult's needs at the time they present to Adult Social Care may not be indicative of their usual need. The assessment must be used to identify the full extent of the adult's needs. We will consider the adult's fluctuating needs, including those that are short term, and those that are medium/long term. Carers assessments must also consider the sustainability of the caring role itself, and so also consider the carer's future needs.

During the assessment we will consider what - aside from the provision of care and support - may assist the adult to meet their outcomes; decisions will be based on the adult's strengths and capabilities, and the support available to them in the wider community. We will always consider whether it is appropriate before recommending the adult tap into support from family, friends, local support/faith/cultural networks.

### **5.2 First contact with the adult**

We will conduct a proportionate assessment with any adult who appears to have care and support needs, and any carer who appears to require support.

The needs/carer assessment starts as soon as we start to collect information about the adult. We will provide the adult with information (in a suitable format, for example in another language or braille if needed) on the assessment process as early as possible in order to enable them to be as involved as possible.

If the adult presents with urgent needs we will act immediately to meet their needs (regardless of the adult's ordinary residence), and inform them that we will continue with the assessment once the immediate need has been met. We will continue with the assessment following the immediate intervention to address the urgent need.

### **5.3 Dealing with needs/carer assessment refusals**

We are not required to conduct a needs or carer assessment if the adult refuses the assessment (for example they do not feel they need care). However if the –

- adult lacks capacity, we will conduct the assessment if we believe it is in their best interests;
- adult's needs or circumstances change we will consider offering an assessment again;
- adult changes their mind at a later date we will carry out the assessment.

### **5.4 Safeguarding concerns**

We will instigate a safeguarding enquiry if the adult presents with – or the assessment uncovers – abuse or neglect risk/concerns. We will continue to assess the adult's needs to determine eligibility for on-going support alongside the safeguarding enquiry so there is no delay in the process of identifying and meeting eligible needs.

For more details on addressing safeguarding concerns please see the *Safeguarding Policy and procedure*.

### **5.5 Involving third parties**

We will involve/consult any party that the adult requests be involved in the assessment. We will also seek the involvement of the carer and other parties involved with the adult (such as GPs, the district nurse, prison staff etc.) in order to provide assurance that the adult's condition and needs have been fully identified and explored.

### **5.6 'Substantial difficulty', Appropriate Individuals and Independent Advocates**

We will consider whether the adult may experience substantial difficulties being involved in the assessment process, for example they have substantial difficulty –

- understanding the information provided;
- retaining the information;
- using/weighing up the information as part of the process of being involved in their assessment;
- communicating their views, wishes or feelings.

If the adult has or will have substantial difficulty being involved in their assessment, plan or review, we will consider whether they have access to an Appropriate Individual who can facilitate their involvement and represent their wishes. In order to be considered an appropriate individual, the following criteria must be met –

1. The Appropriate Individual cannot already be providing professional and/or paid care or treatment to the adult.

2. The adult must consent to the Appropriate Individual. If the adult does not want a family member, carer, friend to act as an Appropriate Individual we will respect their wishes. If they do not have capacity we will only agree to an Appropriate Individual if we are satisfied that it is in the adult's best interests.
3. The Appropriate Individual is able to support and represent the adult, and facilitate their involvement in the process.

In addition to the above, we will not recommend or appoint an Appropriate Individual who is implicated in a safeguarding enquiry or review. If we decide that it is not suitable to appoint a family member or friend to be the individual's Appropriate Individual, we will clearly communicate our reasons to all the involved parties

We will arrange for an Independent Advocate to support the adult if they have substantial difficulties being involved in the assessment, and if they do not have access to an Appropriate Individual. For more information on independent advocates please see the *Advocacy Policy*.

### **5.7 Mental Capacity**

If there are concerns that the adult lacks the capacity to make a specific decision we will arrange for a mental capacity assessment to be completed with them. If the adult lacks the capacity to make the said decision, we will consider arrangements for an Independent Mental Capacity Advocate (IMCA). For more information please see the *Advocacy Policy*.

If the adult already has or needs an Independent Advocate, we will support the advocate to provide advocacy across both areas (as opposed to appointing a second advocate) if we are satisfied they have undergone appropriate training.

### **5.8 Interpretation and Translation**

Where there are communication concerns we will arrange for a language or specialist interpreter to support the communication. For more information on interpreters please see the *Translation and Interpretation Policy*.

### **5.9 Deafblind assessments**

Not all adults with hearing and visual impairments consider themselves deafblind. We will consider the need for expert involvement if there is the appearance of visual and hearing impairments, which combined impact on the adult's ability to communicate, access information, and mobilise<sup>1</sup>.

If the adult is deafblind we will carry out a specialist assessment conducted by an assessor with at least QFC or OCN level 3 training. We will also involve an interpreter (for example BSL) if necessary.

### **5.10 NHS Continuing Healthcare**

We will notify Southwark Clinical Commissioning Group where it appears that the adult may be eligible for NHS Continuing Healthcare (for example because the adult's primary health needs have arisen as a result of disability, accident or illness). If the NHS assessment of need finds that the adult has a primary health need, the NHS (not Adult Social Care) must meet the adult's health needs and associated care and support needs.

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<sup>1</sup> Taken from 'Think Dual. Sensory'. DOH 1995

The adult may still be eligible to receive support from the NHS even if they are not eligible to receive NHS Continuing healthcare. We may enter into a joint package of care with the CCG if the adult is assessed as having care and support needs and also healthcare needs.

### 5.11 Proportionate assessments

Proportionate assessments may take a number of forms:

- we will offer the adult the opportunity to complete a **supported self-assessment** if they are willing and have the capacity to complete it. The assessment can only be completed once we are satisfied it is an accurate and complete reflection of the adult's needs. If the adult requires specialist support (for example they are deafblind) the specialist support provider must provide assurance.
- we can carry out a self-directed assessment:
  - face-to-face;
  - over the phone;
  - online.
- we can participate in a **joint assessment** with partner agencies in order to ensure that the adult's overall needs and outcomes are mapped out with the relevant experts, enabling better coordinated care and support. This also reduces the number of assessments that the adult has to participate in;
- we can complete a **combined assessment** (assuming appropriate consent is provided), for example by assessing the adult's needs in conjunction with an assessment of their carer's needs, or their child's needs (alongside our Children Services colleagues).

In conducting the proportionate assessment we will be guided by –

- the adult's wishes and preferences (for example about how involved they want to be in the process);
- the severity and overall extent of their needs. We may need to conduct a more detailed assessment if the adult has complex needs;
- fluctuating needs. If there is evidence/concerns about needs fluctuating over time, the assessment may need to consider more of the adult's history in order to understand their future needs;
- considerations around whether the assessment method being considered poses a risk/challenge to the adult, and subsequently inhibits our ability to recognise their needs (including those needs they do not or are not able to verbalise/make a representation of).

All assessments must aim to identify underlying conditions and associated needs. If a light-touch assessment highlights underlying conditions we will carry out a more detailed assessment in order to ensure that all the adult's needs are properly mapped out.

### 5.12 Needs/carer assessments and the wellbeing principle

We will have regard to the following key principles when carrying out our assessment, care and support functions –

The adult:

- concerned is best placed to judge their wellbeing;
- should participate in the process as fully as possible;
- should be – and remain – free from abuse and neglect.

We will:

- consider the adult's views, wishes, feelings and beliefs;
- consider whether and how we can prevent, delay, or reduce needs;
- ensure that decisions take into account all of the adult's circumstances, and will avoid making decisions based on unjustified preconceptions and assumptions;
- ensure that any restriction on the adult's rights or freedom is kept to the minimum necessary;
- strive to achieve a balance between the adult's wellbeing and that of any friends or relatives who are involved for caring for them.

Consideration to the time and location of the assessment and the involvement of other parties can have a big impact on how the adult engages in the process. We will always be mindful of the presenting needs of the adult and adjust the tone/language/approach where required to suit the adult's needs.

### 5.13 Assessment timescales

Assessments must be carried out over an appropriate and reasonable timescale, taking into consideration the urgency of the adult's needs, and any fluctuation of needs. The below table provides examples of circumstances which may influence the speed in which the assessment is completed –

Timescale	Circumstances
Short	<ul style="list-style-type: none"><li>▪ Early enquiries establish that the adult's needs are not related to their physical/mental disability or illness and they exhibit high levels of independence/wellbeing.</li><li>▪ The adult has complex needs and targeted interventions such as reablement will not help them to manage their needs.</li></ul>
Medium/long	<ul style="list-style-type: none"><li>▪ There is a reasonable expectation that targeted interventions (reablement, adaptations, matching with support networks etc.) will help prevent or reduce the adult's need to a level where any impact on their wellbeing is limited and manageable. During these interventions we may pause the assessment process in order to gauge the impact of the intervention on the adult's needs.</li><li>▪ In order to properly understand the adult's needs it is necessary to coordinate a combined and/or joint assessment of their needs.</li><li>▪ The adult presents with needs which dictate the pace of the assessment in order to ensure that they can be involved as much as possible (for example mental capacity concerns and/or communication issues require separate assessments and the involvement of independent advocates or specialist interpreters).</li></ul>

### 5.14 The 'Whole family approach'

We will consider the impact of the adult's needs on their family or other members of their support network, and consider whether it would be beneficial for those affected to receive information and advice as part of the prevent, reduce, delay agenda.

If it appears that a child provides care we will consider whether it is appropriate to arrange a needs assessment or a young carer's assessment for the child alongside our Children Services colleagues. During the adult's needs assessment we will also consider their parenting

responsibilities, the impact of the adult’s needs on the child’s wellbeing, the appropriateness of any care that the child provides, and how the provision of care and support will benefit the child’s wellbeing.

## 6. Eligibility determinations

Determinations about eligibility to receive on-going support from Adult Social Care can only be made following the completion of the needs/carer assessment. Assessments must be made against the national eligibility criteria.

### 6.1 Assessing adults with care and support needs against the eligibility criteria

We will determine whether an adult with care and support needs is eligible to receive ongoing support against the following criteria:

1. their needs arise from or are related to a physical/mental impairment or illness;
2. because of the physical/mental impairment or illness, two or more of the specified outcomes below are:
  - not possible for them to achieve at all without assistance;
  - are possible for them to achieve, however doing so:
    - causes significant pain, distress or anxiety;
    - endangers/is likely to endanger their health or safety (or that of others, for example members of their household);
    - takes significantly longer than would normally be expected.

Specified outcomes	
a) managing and maintaining nutrition b) maintaining personal hygiene c) managing toilet needs d) being appropriately clothed e) maintaining a habitable home f) being able to make use of their home safely g) developing and maintaining family/ personal relationships	h) accessing and engaging in work, training, education or volunteering i) making use of facilities/services in the local community including public transport and recreational services/facilities j) carrying out any caring responsibilities the individual has for a child

3. there is (or there is likely to be) a significant impact on their wellbeing as a result of the individual not being able to achieve 2 (or more) outcomes. We should consider whether their inability to achieve the outcomes significantly impacts–
  - on at least one area of their wellbeing (see section 6.3);
  - their wellbeing overall due to its impact on a range of areas effecting their wellbeing (a cumulative effect).

### 6.2 Assessing carers with support needs against the eligibility criteria

We will determine whether a carer with support needs is eligible to receive ongoing support against the following criteria:

1. their needs arise as a result of providing necessary care for an adult;

2. because of their needs, 1 or more of the specified outcomes below are:
  - not possible for them to achieve at all without assistance;
  - are possible for them to achieve, however doing so:
    - causes significant pain, distress or anxiety;
    - endangers/is likely to endanger their health or safety, or the health and safety of those that they provide care for.

Specified outcomes
a) Their physical or mental health is (or is at risk of) deteriorating
b) They are unable to achieve the following outcomes: <ol style="list-style-type: none"> <li>I. carrying out any caring responsibilities they have for a child;</li> <li>II. providing care to other persons for whom they provide care;</li> <li>III. maintaining a habitable home environment;</li> <li>IV. managing and maintaining nutrition;</li> <li>V. developing and maintaining family or other significant personal relationships;</li> <li>VI. accessing and engaging in work, training, education or volunteering;</li> <li>VII. making use of necessary facilities or services in the local community including recreational facilities or services;</li> <li>VIII. engaging in recreational activities.</li> </ol>

3. there is (or there is likely to be) a significant impact on their wellbeing as a result of the individual not being able to achieve 1 (or more) outcomes. We should consider whether their inability to achieve the outcomes significantly impacts–
  - on at least one area of their wellbeing see section 6.3);
  - their wellbeing overall due to its impact on a range of areas effecting their wellbeing (a cumulative effect).

### **6.3 Determining eligibility based on the adults wellbeing**

When considering the impact of the adult's needs upon their wellbeing, we must assess the impact on the following areas of wellbeing:

- personal dignity (including treatment of the individual with respect);
- physical and mental health and emotional wellbeing;
- protection from abuse and neglect;
- control by the individual over day-to-day life (including over care and support provided and the way it is provided);
- participation in work, education, training or recreation;
- social and economic wellbeing;
- domestic, family and personal;
- suitability of living accommodation;
- the individual's contribution to society.

### **6.4 Decisions to meet non-eligible needs**

The adult must meet all 3 criteria (see sections 6.1 and 6.2) in order to be eligible to receive on-going support from Adult Social Care. However, we can choose to meet the adult's non-eligible needs if we believe that we should. Decisions about whether to meet non-eligible needs will be made on a case-by-case basis.

## 6.5 Ordinary residence

Following an 'eligible' outcome, we will assess the ordinary residence of the adult before determining whether we must provide them with care and/or support. For –

- adults with care and support needs the local authority in which they usually reside is responsible for meeting their eligible needs;
- carers, the local authority in which the cared for person resides is responsible for meeting their eligible needs.

We will use the definition of ordinary residence defined in *Shah v London Borough of Barnet* (1983) to determine ordinary residence for adult's with capacity. Where the adult concerned lacks capacity a best interests decision should be used to determine their ordinary residence

We will work with our local authority partners to determine ordinary residence where it proves problematic. Where ordinary residence is not clear we will take action to meet the adult's needs whilst making efforts to establish ordinary residence.

For examples of ordinary residence scenarios, and for information on resolving ordinary residence disputes with other local authorities see sections 19.42-19.70 of the Department of Health's *Care and Support Statutory Guidance Issued under the Care Act 2014*.

## 6.6 Communicating assessment outcomes

Following the determination of eligibility we will provide them with a copy of their needs or carer assessment. We will also write to the adult to inform them of the assessment outcome. If the adult received support from an independent advocate (or specialist assessor/advisor involved during the assessment) we will also provide them with copies of the assessment and outcome letter. We will also share a copy of the assessment with anyone the adult requests upon being notified.

Outcome letters must contain the following –

Outcome	Content
Eligible to receive support	<ul style="list-style-type: none"><li>▪ The assessment outcome (decision) and the basis for the decision.</li><li>▪ An indication of the eligible needs we will help them to meet.</li><li>▪ Information on how we will help them meet their eligible needs.</li><li>▪ Reference to the indicative budget and financial assessments/ contributions</li><li>▪ A commitment to complete a care and support/support plan</li><li>▪ Information on any interim arrangements required between their assessment and their care and support/support plan.</li><li>▪ Information on how the adult can reduce their needs.</li></ul>
Ineligible to receive support	<ul style="list-style-type: none"><li>▪ The assessment outcome (decision) and the basis for the decision.</li><li>▪ A clear explanation of why we believe the impact on their wellbeing is not significant (if the adult has eligible needs, and meets the minimum outcome requirements). It is not sufficient to simply state that the impact is not significant.</li><li>▪ Information on how the adult can reduce their needs.</li><li>▪ Information on how the adult can prevent or delay the onset of further needs.</li></ul>

For more information please see the Needs and Carer Assessment outcome standard letters.

For information on meeting needs and personal budgets, please see the *Personalisation and personal budgets key policy principles*.

## 7. Performance and Monitoring

We will monitor and report on the following performance indicators –

- % of -
  - Supported self assessments
  - Self-directed assessments
  - Joint assessments
  - Combined assessments.
- Time from the start of the assessment to its completion.
- % of Adults with Care and Support needs/Carers assessed as eligible to receive on-going support.

## 8. Related Policies

This policy should be read alongside the following documents -

- Personalisation and Personal Budgets Key Policy Principles
- The Advocacy Policy and local team procedures
- The Carer's Policy and local team procedures
- The Information and Advice Policy and local team procedures
- Permanent moves to other Local Authorities: Continuity of Care Policy & local team procedures
- Think Autism 2014
- Fulfilling and Rewarding Lives (April 2014 update)
- Translation and Interpretation Policy

## 9. Document control

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